

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ROBERT C. O'MALLEY,

Plaintiff,

v.

Case No. 22-C-268

KEVIN A. CARR, et al.,

Defendants.

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**DECISION AND ORDER**

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Plaintiff Robert C. O'Malley is representing himself in this 42 U.S.C. §1983 action. On March 23, 2022, the Court screened the complaint and gave O'Malley the opportunity to file an amended complaint. The Court also denied without prejudice his motion to appoint counsel, concluding that he has the capacity to prepare an amended complaint on his own. On April 4, 2022, O'Malley filed a motion for reconsideration. He explains that his health conditions are severe, making it difficult for him to prepare an amended complaint. He notes that he can barely stand up and that he is always trying to catch his breath. He states that he is "just too weak, too exhausted, to[o] disabled to be able to file an amended complaint." Dkt. No. 13.

In light of O'Malley's serious health conditions, the Court concludes that he lacks the capacity to litigate this case on his own. Accordingly, the Court will grant O'Malley's motion for reconsideration and make efforts to recruit a volunteer lawyer to represent him. The demand for volunteer lawyers is high, but the supply is low. Many lawyers, especially those in smaller firms, lack experience in prisoner litigation and are unable to devote the time necessary gain experience to provide representation for indigent prisoners. The Court encourages O'Malley to be patient; the process may take some time. The Court will promptly notify O'Malley in the event a lawyer

volunteers to represent him. If at any time O'Malley decides he would rather represent himself, he should promptly notify the Court.

**IT IS THEREFORE ORDERED** that O'Malley's motion for reconsideration (Dkt. No. 13) is **GRANTED** and all deadlines are **VACATED** while the Court makes efforts to recruit a lawyer to represent O'Malley.

Dated at Green Bay, Wisconsin this 6th day of April, 2022.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge